

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claim 1 is amended. The revision to claim is supported, for example, at page 6, lines 12-25. Claims 2, 3, and 16 are canceled without prejudice to or disclaimer of the subject matter recited therein. Claims 1, 4-8, and 17-19 remain pending, with claims 1 and 4 being independent. Applicants request that non-elected claims 4-8 and 17 be retained in the application for allowance when the product claims are found allowable.

Claim objections

The Examiner has objected to the form of claims 18 and 19. Applicants respectfully request withdrawal of this objection. Claims 18 and 19 properly limit the product-by-process limitations of claim 1. The structure implied by process steps should be considered when assessing the patentability of product-by-process claims over the prior art, especially where the product can only be defined by the process steps by which the product is made, or where the manufacturing process steps would be expected to impart distinctive structural characteristics to the final product. *See, e.g., In re Garnero*, 412 F.2d 276, 279, 162 USPQ 221, 223 (CCPA 1979).

Claim rejections under 35 U.S.C. § 102

Claims 1, 18, and 19 have been rejected as anticipated by U.S. Patent No. 4,865,932 (Masuda) and JP 63-40254 (JP '254). Claims 1, 16, 18, and 19 have been rejected as anticipated by JP 63-40252 (JP '252). Claims 1-3, 16, 18, and 19 have been rejected as anticipated by JP 3-201367 (JP '367) and US 4,591,087 (Frasch). Applicants respectfully traverse these rejections; however, Applicant notes that claims 2, 3, and 16 have been canceled.

Claim 1 requires a battery electrode in which an electrode plate and lead are bonded ultrasonically by an ultrasonic horn and an anvil with an uneven circumferential surface. A surface of the electrode plate, to which the lead is bonded, is patterned by the uneven circumferential surface of the anvil. A surface area of concavities of the patterns is 10% to 50% of an overall occupied area of the entire edge portion of the electrode plate. By this arrangement, it is possible to optimize bonding strength and to determine whether a uniform bond is maintained throughout the lead surface. *See, e.g., page 2, lines 25-29.*

None of the cited references teaches or discloses a surface of an electrode plate such as that recited in claim 1. Accordingly, Applicants respectfully submit that claim 1 is allowable over the cited references.

Claims 18 and 19 depend from claim 1, and are believed allowable for at least the same reasons. Moreover, each of these dependent claims recites additional features in combination with the features of its respective base claim, and is believed allowable in its own right. Individual consideration of the dependent claims is respectfully requested.

In view of the above, favorable reconsideration in the form of a Notice of Allowance is requested.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: May 24, 2003

By 

Douglas P. Mueller
Reg. No. 30,300
DPM:DTL